

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-1160.01 Yelana Love x2295

HOUSE BILL 17-1334

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HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

(None),

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House Committees  
Business Affairs and Labor

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF PROCESS SERVERS.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Under current law, process servers are not subject to regulation by any state agency. **Section 1** of the bill creates the "Process Servers Registration Act" and makes it unlawful for a person to act as a process server without first obtaining registration from the division of professions and occupations in the department of regulatory agencies (DORA).

**Section 2** requires a review of the division's duties and functions in registering process servers after 7 years under the existing sunset laws.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 59.5 to  
3 title 12 as follows:

4 **ARTICLE 59.5**

5 **Process Servers**

6 **12-59.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 59.5  
7 IS THE "PROCESS SERVERS REGISTRATION ACT".

8 **12-59.5-102. Definitions.** AS USED IN THIS ARTICLE 59.5, UNLESS  
9 THE CONTEXT OTHERWISE REQUIRES:

10 (1) "APPLICANT" MEANS A PROCESS SERVER WHO APPLIES FOR AN  
11 INITIAL OR RENEWAL REGISTRATION PURSUANT TO THIS ARTICLE 59.5.

12 (2) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR THE  
13 DIRECTOR'S DESIGNEE.

14 (3) "DIVISION" MEANS THE DIVISION OF PROFESSIONS AND  
15 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

16 (4) "PROCESS SERVER" MEANS A NATURAL PERSON WHO SERVES  
17 LEGAL PAPERS IN LAWSUITS, CRIMINAL PROCEEDINGS, OR ADMINISTRATIVE  
18 PROCEEDINGS.

19 (5) "REGISTRANT" MEANS A PROCESS SERVER REGISTERED BY THE  
20 DIRECTOR PURSUANT TO THIS ARTICLE 59.5.

21 **12-59.5-103. Registration - title protection - unauthorized**  
22 **practice - penalty - repeal.** (1) (a) BY SIX MONTHS AFTER THE EFFECTIVE  
23 DATE OF THIS SECTION, A PROCESS SERVER IN THIS STATE IS REQUIRED TO  
24 MEET THE QUALIFICATIONS SET FORTH IN SECTION 12-59.5-105 AND TO  
25 REGISTER WITH THE DIRECTOR.

26 (b) ONLY A PROCESS SERVER WHO OBTAINS A REGISTRATION

1 PURSUANT TO SECTION 12-59.5-105 MAY PRESENT HIMSELF OR HERSELF AS  
2 OR USE THE TITLE OF A "REGISTERED PROCESS SERVER" OR "PROCESS  
3 SERVER".

4 (2) ANY PERSON WHO SERVES PROCESS OR PRESENTS HIMSELF OR  
5 HERSELF AS OR USES THE TITLE "PROCESS SERVER" OR "REGISTERED  
6 PROCESS SERVER" WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS  
7 ARTICLE 59.5 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED  
8 AS PROVIDED IN SECTION 18-1.3-501 FOR THE FIRST OFFENSE AND, FOR THE  
9 SECOND OR ANY SUBSEQUENT OFFENSE, COMMITS A CLASS 1  
10 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION  
11 18-1.3-501.

12 **12-59.5-104. Exemptions.** THIS ARTICLE 59.5 DOES NOT APPLY TO  
13 A CERTIFIED PEACE OFFICER OF A LAW ENFORCEMENT AGENCY OPERATING  
14 IN HIS OR HER OFFICIAL CAPACITY.

15 **12-59.5-105. Process server registration - qualifications - fees**  
16 **- renewal - disqualifications.** (1) THE DIRECTOR MAY ISSUE  
17 REGISTRATION TO AN APPLICANT WHO, UPON APPLICATION IN THE FORM  
18 AND MANNER DETERMINED BY THE DIRECTOR, PAYMENT OF THE REQUIRED  
19 FEE, AND SATISFACTION OF THE REQUIREMENTS OF SUBSECTION (2) OF THIS  
20 SECTION, PROVIDES EVIDENCE SATISFACTORY TO THE DIRECTOR THAT THE  
21 APPLICANT:

- 22 (a) IS AT LEAST EIGHTEEN YEARS OF AGE;
- 23 (b) IS LAWFULLY PRESENT IN THE UNITED STATES AND A  
24 COLORADO RESIDENT; AND
- 25 (c) DEMONSTRATES KNOWLEDGE AND UNDERSTANDING OF THE  
26 LAWS AND RULES AFFECTING THE ETHICS AND ACTIVITIES OF PROCESS  
27 SERVERS IN THIS STATE BY SUCCESSFULLY COMPLETING A PROCESS SERVER

1 EDUCATION COURSE THAT MEETS THE REQUIREMENTS OF SECTION  
2 12-59.5-106.

3 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS  
4 SECTION, WITH THE SUBMISSION OF AN APPLICATION FOR A REGISTRATION  
5 GRANTED PURSUANT TO THIS ARTICLE 59.5, EACH APPLICANT SHALL  
6 SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS TO THE DIVISION.  
7 THE DIVISION SHALL SUBMIT THE FINGERPRINTS TO THE COLORADO  
8 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING  
9 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COLORADO  
10 BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE  
11 FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING  
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE DIVISION  
13 MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR AN  
14 APPLICANT OR A REGISTRANT WHO HAS TWICE SUBMITTED TO A  
15 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE  
16 FINGERPRINTS ARE UNCLASSIFIABLE. THE DIVISION SHALL USE THE  
17 INFORMATION RESULTING FROM THE FINGERPRINT-BASED CRIMINAL  
18 HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE WHETHER AN  
19 APPLICANT IS QUALIFIED TO HOLD A REGISTRATION PURSUANT TO THIS  
20 ARTICLE 59.5. THE DIVISION MAY VERIFY THE INFORMATION AN APPLICANT  
21 IS REQUIRED TO SUBMIT. THE APPLICANT SHALL PAY THE COSTS  
22 ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
23 CHECK TO THE COLORADO BUREAU OF INVESTIGATION.

24 (b) AN APPLICANT LICENSED AS A PRIVATE INVESTIGATOR  
25 PURSUANT TO ARTICLE 58.5 OF THIS TITLE 12 IS NOT REQUIRED TO SUBMIT  
26 TO THE CRIMINAL HISTORY RECORD CHECK DESCRIBED IN SUBSECTION  
27 (2)(a) OF THIS SECTION.

1           (3) AN APPLICANT FOR REGULATION UNDER THIS SECTION SHALL  
2 PAY REGISTRATION, RENEWAL, AND REINSTATEMENT FEES ESTABLISHED  
3 BY THE DIRECTOR PURSUANT TO SECTION 24-34-105. A REGISTRANT MUST  
4 RENEW HIS OR HER REGISTRATION IN ACCORDANCE WITH A SCHEDULE  
5 ESTABLISHED BY THE DIRECTOR PURSUANT TO SECTION 24-34-102 (8). IF  
6 A REGISTRANT FAILS TO RENEW HIS OR HER REGISTRATION PURSUANT TO  
7 THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE REGISTRATION  
8 EXPIRES, AND THE PERSON SHALL NOT PROVIDE SERVICE OF PROCESS IN  
9 THIS STATE UNTIL THE PERSON PAYS THE APPROPRIATE FEES TO REINSTATE  
10 THE REGISTRATION AND THE DIRECTOR REINSTATES THE REGISTRATION. A  
11 PERSON WHOSE REGISTRATION EXPIRES AND WHO CONTINUES TO DO  
12 BUSINESS AS A PROCESS SERVER IS SUBJECT TO THE PENALTIES PROVIDED  
13 IN THIS ARTICLE 59.5 AND SECTION 24-34-102 (8). THE REGISTRATION,  
14 RENEWAL, AND REINSTATEMENT FEES FOR LICENSED PRIVATE  
15 INVESTIGATORS MUST BE LOWER THAN THE FEES FOR APPLICANTS AND  
16 REGISTRANTS WHO ARE NOT LICENSED PRIVATE INVESTIGATORS.

17           (4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
18 DIRECTOR SHALL DENY OR REVOKE THE REGISTRATION OF ANY PERSON  
19 WHO HAS BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO  
20 CONTENDERE TO ANY OFFENSE, THE UNDERLYING FACTUAL BASIS OF  
21 WHICH HAS BEEN FOUND BY THE COURT TO INVOLVE:

22           (I) UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION  
23 16-22-102;

24           (II) DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1);

25           (III) STALKING, AS DEFINED IN SECTION 18-3-602; OR

26           (IV) VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION  
27 18-6-803.5.

1 (b) THE DIRECTOR IS GOVERNED BY SECTION 24-5-101 IN  
2 CONSIDERING THE CONVICTION OR PLEA IN CONNECTION WITH ANY  
3 CONTEMPLATED DISCIPLINARY ACTION.

4 **12-59.5-106. Process server education course.** (1) EACH  
5 APPLICANT SHALL COMPLETE A FOUR-HOUR PROCESS SERVER EDUCATION  
6 COURSE. THE COURSE MUST INCLUDE EDUCATION ON:

7 (a) THE "ADDRESS CONFIDENTIALITY PROGRAM ACT", PART 21 OF  
8 ARTICLE 30 OF TITLE 24;

9 (b) HARASSMENT, AS DEFINED IN SECTION 18-9-111;

10 (c) TRESPASS, AS DEFINED IN SECTIONS 18-4-502 TO 18-4-504;

11 (d) RULES 4 AND 45 OF THE FEDERAL RULES OF CIVIL PROCEDURE;

12 (e) COLORADO RULES OF CIVIL PROCEDURE 4, 45, AND 69 AND  
13 COLORADO RULES OF COUNTY COURT PROCEDURE 304, 345, AND 369; AND

14 (f) SAFETY.

15 (2) (a) THE COURSE SPECIFIED IN SUBSECTION (1) OF THIS SECTION  
16 MUST BE SPONSORED BY A COMPANY EMPLOYING AT LEAST FIVE PROCESS  
17 SERVERS OR A PROFESSIONAL PROCESS SERVERS ASSOCIATION. THE  
18 COURSE INSTRUCTOR MUST HAVE AT LEAST FIVE YEARS OF EXPERIENCE  
19 SERVING PROCESS IN COLORADO, BE A MEMBER OF A PROFESSIONAL  
20 PROCESS SERVERS ASSOCIATION.

21 (b) UPON COMPLETION OF THE COURSE, THE COURSE PROVIDER  
22 SHALL PROVIDE EACH PROCESS SERVER WITH A CERTIFICATE OF  
23 COMPLETION.

24 (3) A PROCESS SERVER WHO HAS ATTENDED A COURSE THAT  
25 COVERED THE TOPICS LISTED IN SUBSECTION (1) OF THIS SECTION WITHIN  
26 THE FIVE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE 59.5 MAY  
27 SATISFY THE REQUIREMENT OF SUBSECTION (1) OF THIS SECTION BY

1 PROVIDING THE DIVISION WITH A CERTIFICATE OF COMPLETION.

2 **12-59.5-107. Director's powers and duties - rules.** (1) IN  
3 ADDITION TO ALL OTHER POWERS AND DUTIES CONFERRED OR IMPOSED  
4 UPON THE DIRECTOR BY THIS ARTICLE 59.5 OR BY ANY OTHER LAW, THE  
5 DIRECTOR MAY:

6 (a) PROMULGATE RULES PURSUANT TO SECTION 24-4-103 TO  
7 IMPLEMENT THIS ARTICLE 59.5, INCLUDING RULES TO:

8 (I) ESTABLISH THE FORM AND MANNER FOR APPLYING FOR A  
9 REGISTRATION UNDER THIS ARTICLE 59.5; AND

10 (II) ADDRESS ANY OTHER MATTERS DETERMINED NECESSARY BY  
11 THE DIRECTOR TO IMPLEMENT THIS ARTICLE 59.5;

12 (b) REVIEW AND GRANT OR DENY APPLICATIONS FOR NEW OR  
13 RENEWAL REGISTRATIONS AS PROVIDED IN THIS ARTICLE 59.5;

14 (c) ESTABLISH FEES FOR THE ISSUANCE OF A NEW REGISTRATION  
15 AND FOR EACH REGISTRATION RENEWAL PURSUANT TO SECTION  
16 24-34-105; AND

17 (d) DETERMINE WHETHER AN APPLICANT HAS SUCCESSFULLY  
18 COMPLETED THE PROCESS SERVER EDUCATION COURSE REQUIRED IN  
19 SECTION 12-59.5-106.

20 **12-59.5-108. Disciplinary actions - grounds for discipline -**  
21 **rules - cease-and-desist orders.** (1) THE DIRECTOR MAY DENY, SUSPEND,  
22 OR REVOKE A REGISTRATION, PLACE AN APPLICANT OR REGISTRANT ON  
23 PROBATION, OR ISSUE A LETTER OF ADMONITION TO AN APPLICANT OR  
24 REGISTRANT IF THE APPLICANT OR REGISTRANT:

25 (a) VIOLATES ANY ORDER OF THE DIRECTOR, ANY PROVISION OF  
26 THIS ARTICLE 59.5, OR ANY RULE ADOPTED UNDER THIS ARTICLE 59.5;

27 (b) FAILS TO MEET THE REQUIREMENTS OF SECTION 12-59.5-105 OR

1 USES FRAUD, MISREPRESENTATION, OR DECEIT IN APPLYING FOR OR  
2 ATTEMPTING TO APPLY FOR A REGISTRATION;

3 (c) ADVERTISES OR PRESENTS HIMSELF OR HERSELF AS A  
4 REGISTERED PROCESS SERVER WITHOUT HOLDING AN ACTIVE  
5 REGISTRATION;

6 (d) HAS BEEN SUBJECT TO DISCIPLINE RELATED TO THE PRACTICE  
7 OF SERVING PROCESS IN ANOTHER JURISDICTION. EVIDENCE OF  
8 DISCIPLINARY ACTION IN ANOTHER JURISDICTION IS PRIMA FACIE EVIDENCE  
9 FOR DENIAL OF A REGISTRATION OR OTHER DISCIPLINARY ACTION IF THE  
10 VIOLATION WOULD BE GROUNDS FOR DISCIPLINARY ACTION IN THIS STATE.

11 (2) THE DIRECTOR MAY ADOPT RULES ESTABLISHING FINES THAT  
12 HE OR SHE MAY IMPOSE ON A REGISTRANT. THE RULES MUST INCLUDE A  
13 GRADUATED FINE STRUCTURE, WITH A MAXIMUM ALLOWABLE FINE OF NOT  
14 MORE THAN THREE THOUSAND DOLLARS PER VIOLATION. THE DIRECTOR  
15 SHALL TRANSMIT ANY FINES HE OR SHE COLLECTS FROM A REGISTRANT TO  
16 THE STATE TREASURER FOR DEPOSIT IN THE GENERAL FUND.

17 (3) THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE  
18 GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER  
19 THE ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF  
20 DISCIPLINARY SANCTIONS TO IMPOSE.

21 (4) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO  
22 DISCIPLINE A REGISTRANT WHEN THE DIRECTOR HAS REASONABLE  
23 GROUNDS TO BELIEVE THAT THE REGISTRANT HAS COMMITTED AN ACT OR  
24 OMISSION SPECIFIED IN THIS SECTION.

25 (b) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE DIRECTOR  
26 MAY ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY  
27 DISCIPLINARY ACTION TAKEN AGAINST A REGISTRANT IN ANOTHER



1 JURISDICTION IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY  
2 ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS FOR  
3 DISCIPLINARY ACTION UNDER THIS ARTICLE 59.5.

4 (5) THE DIRECTOR SHALL CONDUCT DISCIPLINARY PROCEEDINGS  
5 IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24. THE DIRECTOR SHALL  
6 CONDUCT THE HEARING AND PROVIDE AN OPPORTUNITY FOR REVIEW  
7 PURSUANT TO ARTICLE 4 OF TITLE 24. THE DIRECTOR MAY EXERCISE ALL  
8 POWERS AND DUTIES CONFERRED BY THIS ARTICLE 59.5 DURING THE  
9 DISCIPLINARY PROCEEDINGS.

10 (6) THE DIRECTOR MAY REQUEST THAT THE ATTORNEY GENERAL  
11 SEEK AN INJUNCTION IN ANY COURT OF COMPETENT JURISDICTION TO  
12 ENJOIN A PERSON FROM COMMITTING AN ACT PROHIBITED BY THIS ARTICLE  
13 59.5. WHEN SEEKING AN INJUNCTION UNDER THIS SUBSECTION (6), THE  
14 ATTORNEY GENERAL IS NOT REQUIRED TO ALLEGE OR PROVE THE  
15 INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR  
16 IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED  
17 VIOLATION OF THIS ARTICLE 59.5.

18 (7) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL  
19 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106(11).  
20 THE DIRECTOR MAY INSTITUTE A JUDICIAL PROCEEDING IN ACCORDANCE  
21 WITH SECTION 24-4-106 TO ENFORCE AN ORDER OF THE DIRECTOR.

22 (8) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN  
23 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,  
24 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE  
25 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR  
26 PROSECUTION.

27 (9) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE

1 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A REGISTRANT  
2 IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH  
3 AND SAFETY OF THE PUBLIC, OR IF A PERSON IS SERVING PROCESS OR  
4 PRESENTING HIMSELF OR HERSELF AS OR IS USING THE TITLE "REGISTERED  
5 PROCESS SERVER" OR "PROCESS SERVER" WITHOUT HAVING OBTAINED A  
6 REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST  
7 THE ACTIVITY. THE DIRECTOR SHALL SET FORTH IN THE ORDER THE  
8 STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS  
9 ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT  
10 THAT ALL UNLAWFUL ACTS OR UNREGISTERED PRACTICES IMMEDIATELY  
11 CEASE.

12 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND  
13 DESIST PURSUANT TO SUBSECTION (10)(a) OF THIS SECTION, THE  
14 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER  
15 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE 59.5 HAVE OCCURRED.  
16 THE DIRECTOR SHALL CONDUCT THE HEARING PURSUANT TO SECTIONS  
17 24-4-104 AND 24-4-105.

18 (10) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE  
19 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS  
20 VIOLATED ANY OTHER PORTION OF THIS ARTICLE 59.5, IN ADDITION TO ANY  
21 SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE 59.5, THE  
22 DIRECTOR MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS TO  
23 WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE  
24 PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR  
25 UNREGISTERED PRACTICE.

26 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY THE PERSON AGAINST  
27 WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO

1 SUBSECTION (10)(a) OF THIS SECTION OF THE ISSUANCE OF THE ORDER AND  
2 SHALL INCLUDE IN THE NOTICE A COPY OF THE ORDER, THE FACTUAL AND  
3 LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A  
4 HEARING ON THE ORDER. THE DIRECTOR MAY SERVE THE NOTICE ON THE  
5 PERSON AGAINST WHOM THE ORDER HAS BEEN ISSUED BY PERSONAL  
6 SERVICE, BY FIRST-CLASS, POSTAGE-PREPAID UNITED STATES MAIL, OR IN  
7 ANOTHER MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR  
8 MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION  
9 (10)(b) CONSTITUTES NOTICE OF THE ORDER TO THE PERSON.

10 (c) (I) THE DIRECTOR SHALL HOLD THE HEARING ON AN ORDER TO  
11 SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE  
12 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE  
13 NOTIFICATION BY THE DIRECTOR AS PROVIDED IN SUBSECTION (10)(b) OF  
14 THIS SECTION. THE DIRECTOR MAY CONTINUE THE HEARING BY  
15 AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE  
16 MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES  
17 PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE DIRECTOR HOLD  
18 THE HEARING LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF  
19 TRANSMISSION OR SERVICE OF THE NOTIFICATION.

20 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS  
21 BEEN ISSUED PURSUANT TO SUBSECTION (10)(a) OF THIS SECTION DOES  
22 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE  
23 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE PERSON  
24 PURSUANT TO SUBSECTION (10)(b) OF THIS SECTION AND SUCH OTHER  
25 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS  
26 APPROPRIATE. THE DIRECTOR MUST ISSUE THE ORDER WITHIN TEN DAYS  
27 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE

1       ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER BECOMES FINAL  
2       AS TO THAT PERSON BY OPERATION OF LAW. THE HEARING MUST BE  
3       CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105.

4               (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON  
5       AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR  
6       HAS ACTED WITHOUT THE REQUIRED REGISTRATION OR HAS ENGAGED OR  
7       IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS  
8       OF THIS ARTICLE 59.5, THE DIRECTOR MAY ISSUE A FINAL  
9       CEASE-AND-DESIST ORDER DIRECTING THE PERSON TO CEASE AND DESIST  
10       FROM FURTHER UNLAWFUL ACTS OR UNREGISTERED PRACTICES.

11              (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET  
12       FORTH IN SUBSECTION (10)(b) OF THIS SECTION, OF THE FINAL  
13       CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE  
14       HEARING CONDUCTED PURSUANT TO THIS SUBSECTION (10)(c) TO EACH  
15       PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL  
16       ORDER ISSUED PURSUANT TO SUBSECTION (10)(c)(III) OF THIS SECTION IS  
17       EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL  
18       REVIEW.

19              (11) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE  
20       EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR  
21       IS ABOUT TO ENGAGE IN AN ACT OR PRACTICE CONSTITUTING A VIOLATION  
22       OF THIS ARTICLE 59.5, A RULE PROMULGATED PURSUANT TO THIS ARTICLE  
23       59.5, OR AN ORDER ISSUED PURSUANT TO THIS ARTICLE 59.5, OR ANY  
24       OTHER ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE  
25       SANCTION PURSUANT TO THIS ARTICLE 59.5, THE DIRECTOR MAY ENTER  
26       INTO A STIPULATION WITH THE PERSON.

27              (12) IF A PERSON FAILS TO COMPLY WITH A FINAL

1 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY  
2 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE  
3 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,  
4 AND IF SO REQUESTED THE ATTORNEY SHALL BRING, SUIT FOR A  
5 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO  
6 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

7 (13) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST  
8 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION  
9 OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (8) OF  
10 THIS SECTION.

11 (14) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
12 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES  
13 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT  
14 BE DISMISSED AS BEING WITHOUT MERIT, THE DIRECTOR MAY ISSUE AND  
15 SEND TO THE REGISTRANT A LETTER OF ADMONITION.

16 (b) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO A  
17 REGISTRANT, THE DIRECTOR SHALL ADVISE THE REGISTRANT THAT HE OR  
18 SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER  
19 RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE  
20 INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH  
21 THE LETTER OF ADMONITION IS BASED.

22 (c) IF THE REGISTRANT TIMELY REQUESTS ADJUDICATION, THE  
23 DIRECTOR SHALL VACATE THE LETTER OF ADMONITION AND PROCESS THE  
24 MATTER BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

25 (15) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
26 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE  
27 DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT

1 SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF  
2 POSSIBLE ERRANT CONDUCT BY THE REGISTRANT THAT COULD LEAD TO  
3 SERIOUS CONSEQUENCES IF NOT CORRECTED, THE DIRECTOR MAY SEND  
4 THE REGISTRANT A CONFIDENTIAL LETTER OF CONCERN.

5 **12-59.5-109. Revocation.** A PERSON WHOSE REGISTRATION IS  
6 REVOKED OR WHO SURRENDERS A REGISTRATION TO AVOID DISCIPLINE IS  
7 INELIGIBLE TO APPLY FOR A REGISTRATION UNDER THIS ARTICLE 59.5  
8 UNTIL AT LEAST TWO YEARS AFTER THE DATE OF REVOCATION OR  
9 SURRENDER OF THE REGISTRATION. THE DIRECTOR SHALL TREAT A  
10 SUBSEQUENT APPLICATION FOR REGISTRATION FROM A PERSON WHOSE  
11 REGISTRATION WAS REVOKED OR SURRENDERED AS AN APPLICATION FOR  
12 A NEW REGISTRATION UNDER THIS ARTICLE 59.5.

13 **12-59.5-110. Fees - cash fund.** THE DIVISION SHALL TRANSMIT  
14 ALL FEES COLLECTED PURSUANT TO THIS ARTICLE 59.5 TO THE STATE  
15 TREASURER, WHO SHALL CREDIT THE FEES TO THE DIVISION OF  
16 PROFESSIONS AND OCCUPATIONS CASH FUND CREATED IN SECTION  
17 24-34-105 (2)(b). THE GENERAL ASSEMBLY SHALL MAKE ANNUAL  
18 APPROPRIATIONS FROM THE DIVISION OF PROFESSIONS AND OCCUPATIONS  
19 CASH FUND FOR EXPENDITURES OF THE DIVISION INCURRED IN THE  
20 PERFORMANCE OF ITS DUTIES UNDER THIS ARTICLE 59.5.

21 **12-59.5-111. Repeal of article.** THIS ARTICLE 59.5 IS REPEALED,  
22 EFFECTIVE SEPTEMBER 1, 2024. BEFORE ITS REPEAL, THE REGISTRATION  
23 OF PROCESS SERVERS BY THE DIVISION IS SCHEDULED FOR REVIEW IN  
24 ACCORDANCE WITH SECTION 24-34-104.

25 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, amend  
26 (25)(a) introductory portion; and **add** (25)(a)(XV) as follows:

27 **24-34-104. General assembly review of regulatory agencies**

1     **and functions for repeal, continuation, or reestablishment - legislative**  
2     **declaration - repeal.** (25) (a) The following agencies, functions, or both,  
3     ~~will~~ ARE SCHEDULED FOR repeal on September 1, 2024:

4             (XV) THE REGULATION OF PROCESS SERVERS BY THE DIVISION OF  
5     PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY  
6     AGENCIES IN ACCORDANCE WITH ARTICLE 59.5 OF TITLE 12.

7             **SECTION 3. Act subject to petition - effective date.** This act  
8     takes effect at 12:01 a.m. on the day following the expiration of the  
9     ninety-day period after final adjournment of the general assembly (August  
10    9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
11    referendum petition is filed pursuant to section 1 (3) of article V of the  
12    state constitution against this act or an item, section, or part of this act  
13    within such period, then the act, item, section, or part will not take effect  
14    unless approved by the people at the general election to be held in  
15    November 2018 and, in such case, will take effect on the date of the  
16    official declaration of the vote thereon by the governor.